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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,821	12/29/2003	Michael Bensimon	704-011571-US(PAR)	6458

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FAIRFIELD, CT 06824

EXAMINER
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PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/747,821

Applicant(s)

BENSIMON ET AL.

Examiner

Perez M. Angelica

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 29 December 2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figure 3 shows levels in French, it should be labeled in English. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the short message" in line 13. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the examiner will consider the term as "message".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
5. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Machale et al. (Machale; WO 03/063525 A1).

Regarding claim 9, Machale teaches of a method for the broadcasting of multimedia contents to mobile terminals (page 5, lines 10-21, where the content is further broadcasted to the users), where a mobile terminal implements the following steps: the reception of a short message comprising a processing instruction code corresponding to a broadcasting of a set of multimedia contents (page 6, lines 1-2, where the code instructions can be the question where the users answers "yes" or "not"), a service identifier and an identifier/address of a set of multimedia contents (pages 2 and 5, lines 20-21 and 10-15, 27-29, respectively. E.g., "embedded identifier"), the determining of the relevance of a short message received as a function of the service identifier (pages 3 and 6, lines 12-15 and 10-15, respectively. The additional services will be tailored to users preferences; therefore, relevant), where and a configuration memory of the mobile telephone, if the message is relevant, the production, from the identifier/address of the multimedia contents (pages 5 and 6, lines 27-30 and 1-15, respectively; where the content indicates relevancy. The Examiner wasn't sure what the applicant meant by the configuration memory) and, of a request for the retrieval of the multimedia contents the sending of the retrieval request and then the processing of the response to the retrieval request (page 6, lines 1-8, where the content is downloaded into the device).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa (Owa et al.; US006711379B1) in view of Brachman (Brachman et al.; US006704576B1).

Regarding claim 1, Owa teaches of a method for the broadcasting of multimedia contents to mobile terminals (column 1, lines 5-10) where a server for the broadcasting of multimedia contents implements the following steps (column 32, lines 22-28): the storage in a contents memory of at least one set of multimedia contents (column 1, lines 57-62 and column 3, lines 39-44), the association with each service identifier of at least one identifier of a geographical zone (columns 1 and 3, lines 57-62 and 27-40, respectively; where objects corresponding to the providers are identified with the region of delivery), for a set of multimedia contents (column 15, lines 5-17), the production of at least one broadcasting message (column 15, lines 5-17; where sending the data itself comprises a broadcasting message), and the broadcasting of this message to the geographical zone associated with the multimedia contents (column 15, lines 5-17, where the broadcasted information is associated with the region where the mobile unit

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is located), the short broadcast message comprising an identifier/address associated with the multimedia contents and the service identifier (column 20, lines 46-60, where the address of the server is provided to the mobile unit and where the identifier of the information is included in the preamble of the packets containing the delivered information, for radio systems).

Although Owa teaches the assigning of a service identifier to each set of stored multimedia contents.

Brackman better teaches of the assigning of a service identifier to each set of stored multimedia contents (column 3, lines 60-63 and column 11, lines 20-45; where for the user to dial to the server it requires the address).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's broadcasting method with Brackman's identifier for the server in order to allow the user to communicate with the server and make specific content requests, as taught by Brackman.

Regarding claim 2, Owa and Brackman teach all the limitations of claim 1. Owa further teaches where the multimedia contents are obtained through a configuration message sent out by a server of a distributor of multimedia contents, the configuration message comprising at least one updating instruction code and a set of multimedia contents (column 10, lines 61-65; where the renewing of contents corresponds to the updating).

Regarding claim 3, Owa and Brackman teach all the limitations of claim 1. Owa further teaches where the association of a geographical zone and of a set of multimedia

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contents is updated following the reception, by the broadcasting server, of a configuration message comprising an association of a set of multimedia contents and an address of a geographical zone (column 10, lines 61-65).

Regarding claim 4, Owa and Brackman teach all the limitations of claim 1. Owa further teaches where the broadcasting server also implements the following steps: the reception of a request for the retrieval of a set of multimedia contents, the retrieval request comprising an identifier of the origin of the request and an identifier of multimedia contents (column 7, lines 40-44), the production of a response message comprising the multimedia contents (column 7, lines 46-52), the sending of the response message to the equipment identified by the identifier of the origin of the request (column 7, lines 39-44 and column 20, lines 46-60).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa in view of Brackman and further in view of Duso et al. (Duso, US Patent No.: 5,892,915 A).

Regarding claim 5, Owa and Brackman teach all the limitations of claim 1.

Owa and Brackman do not implicitly teach where the broadcasting server increments a counter associated with a set of multimedia contents for each request for the retrieval of the multimedia contents.

In related art concerning a system having client sending edit commands to server during transmission of continuous media from one clip and play list for editing the play list, Duso teaches where the broadcasting server increments a counter associated



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with a set of multimedia contents for each request for the retrieval of the multimedia contents (column 52, lines 37-54, where the content can be an edited clip).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's and Brackman's broadcasting method with Duso's teaching of a counter in order to maintain more accurate track of the data requested, as taught by Duso.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa in view of Brackman and further in view of Wells et al. (Wells, Pub. No.: 2001/0032257 A1).

Regarding claim 6, Owa and Brackman teach all the limitations of claim 4.

Owa and Brackman do not specifically teach where the broadcasting server updates a list of customers, the list being associated with an identifier of multimedia contents whenever a client sends out a request for retrieval of the multimedia contents.

In related art concerning a method and system for managing information in a network, Wells' teaches where the broadcasting server updates a list of customers, the list being associated with an identifier of multimedia contents whenever a client sends out a request for retrieval of the multimedia contents (paragraph 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's and Brackman's broadcasting method with Wells' teaching list update in order to as a way of better managing information update distribution, as taught by Wells.

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10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa in view of Brackman and further in view of Waesterlid (Waesterlid, Andres; US Patent No.: 6,993,325 B1).

Regarding claim 7, Owa and Brackman teach all the limitations of claim 1.

Owa and Brackman do not specifically teach where a short broadcast message comprises at least one field so that the processing of the short broadcast message is assigned to a specific application on a mobile terminal that is a destination of the short broadcast message.

In related art concerning a method for facilitating electronic communications, Waesterlid teaches where a short broadcast message comprises at least one field so that the processing of the short broadcast message is assigned to an specific application on a mobile terminal that is a destination of the short broadcast message (column 9, lines 20-24, where there is a field for every user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's and Brackman's broadcasting method with Waesterlid's field in the broadcast message corresponding to each mobile station in order to maintain status data of each member of a group, as taught by Waesterlid.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa in view of Brackman and further in view of Doemling et al. (Doemling, US 2004/0088363 A1).

Regarding claim 8, Owa and Brackman teach all the limitations of claim 1.

Owa and Brackman do not specifically teach where the broadcasting server also implements the following steps: the reception of a statistics retrieval message, the retrieval message comprising an identifier of a set of multimedia contents and an identifier of the equipment from which the retrieval message originates, the production of a response message comprising statistics associated with the identifier of the multimedia contents, the sending of the response message to the equipment identified by the identifier of the origin of the retrieval message.

In related art concerning a content delivery frequency capping method, Doemling teaches of the reception of a statistics retrieval message (paragraph 11, e.g., "...send along with the request"), the retrieval message comprising an identifier of a set of multimedia contents and an identifier of the equipment from which the retrieval message originates (paragraph 11, where the "unique identifier is used...to associate that browser with data stored on the ad server"), the production of a response message comprising statistics associated with the identifier of the multimedia contents (paragraph 11, where the server send the statistical data in the response) the sending of the response message to the equipment identified by the identifier of the origin of the retrieval message (paragraph 11, where the response message is sent to the specific browser

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's and Brackman's broadcasting method with Doemling's cookies in order to obtain statistical data in order to keep track of the delivery of requested data, as taught by Doemling.

12. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa in view of Brackman and further in view of Machale.

Regarding claim 10, Owa, Brackman and Machale teach all the limitations of claim 1. A method according to claim 1.

Owa and Brackman do not specifically teach where the response to a request for the retrieval of a set of multimedia contents is an MMS type message.

In related art concerning multi-media messaging where the response to a request for the retrieval of a set of multimedia contents is an MMS type message (page 6, lines 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's and Brackman's broadcasting method with Machale's MMS type message in order to provide multiple types of media to users in a simple manner, as taught by Machale.

Regarding claim 11, Owa, Brackman and Machale teach all the limitations of claim 1.

Machale teaches where the response to the request for the retrieval of a set of multimedia contents is an automatic call from the terminal that has requested the multimedia contents, the multimedia contents being broadcast during this call (page 5, line 7, where with the user's option mode the user "calls" the sender to retrieve the content).

Regarding claim 12, Owa teaches of a device for the broadcasting of multimedia contents to mobile terminals (column 1, lines 5-10); comprising: means for the recording

of at least one set of multimedia contents to be broadcast (column 1, lines 57-62 and column 3, lines 39-44), means to associate at least one identifier of a geographical zone with each service identifier (columns 1 and 3, lines 57-62 and 27-40, respectively; where objects corresponding to the providers are identified with the region of delivery), means for broadcasting short broadcast messages within a geographical zone associated with the multimedia contents (column 15, lines 5-17, where the broadcasted information is associated with the region where the mobile unit is located), a short broadcast message comprising an identifier/address associated with the multimedia contents, and the service identifier (column 20, lines 46-60, where the address of the server is provided to the mobile unit and where the identifier of the information is included in the preamble of the packets containing the delivered information, for radio systems), means to send short broadcast messages produced (column 2 lines 12-23, when the content is broadcasted by the satellite).

Although Owa teaches the assigning of a service identifier to each set of stored multimedia contents.

Brackman better teaches of the assigning of a service identifier to each set of stored multimedia contents (column 3, lines 60-63 and column 11, lines 20-45; where for the user to dial to the server it requires the address).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's broadcasting method with Brackman's identifier for the server in order to allow the user to communicate with the server and make specific content requests, as taught by Brackman.

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Owa and Brackman do not specifically teach where the messages are of short broadcast type.

Machale teaches where the messages are of short broadcast type (page 5, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Owa's and Brackman's broadcasting method with Machale's broadcast message in order to send messages to selected users according to geographical area, content desired, etc., as taught by Machale.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006684076B2, refers to a communiqué system with hierarchical communiqué coverage areas in cellular communication networks.

US 20020090934A1, refers to content and application delivery.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 1:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez  
Examiner



Matthew D. Anderson  
Supervisor Patent Examiner

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March 21, 2007